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14 UNITED STATES DISTRICT COURT  
15  
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

17 GGCC, LLC, an Illinois Limited Liability  
18 Company, Individually and on Behalf of All  
19 Others Similarly Situated,  
20  
21 Plaintiffs,  
22  
23 v.  
24

25 DYNAMIC LEDGER SOLUTIONS, INC., a  
26 Delaware corporation, TEZOS  
27 STIFTUNG, a Swiss Foundation,  
28 KATHLEEN BREITMAN, an  
Individual, and ARTHUR BREITMAN,  
an Individual,  
Defendants.

Case No. 3:17-cv-06779-RS

**ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES ARE  
RELATED**

22 ANDREW OKUSKO, individually and on  
23 behalf of all others similarly situated,  
24  
25 Plaintiff,

26 v.  
27 DYNAMIC LEDGER SOLUTIONS, INC.,  
28 THE TEZOS FOUNDATION,  
KATHLEEN BREITMAN,

Case No. 3:17-cv-06829-RS

1 ARTHUR BREITMAN, and TIMOTHY  
2 DRAPER,

3 Defendants.

4 ANDREW BAKER, individually and on behalf  
5 of all others similarly situated,

6 Plaintiff,

7 v.

8 DYNAMIC LEDGER SOLUTIONS, INC., a  
9 Delaware corporation, TEZOS  
10 STIFTUNG, a Swiss Foundation,  
11 KATHLEEN BREITMAN, an  
12 Individual, ARTHUR BREITMAN,  
13 an Individual, JOHANN GEVERS, an  
individual, STRANGE BREW STRATEGIES,  
LLC, a California limited liability company, and  
DOES 1 through 100 inclusive,

14 Defendant.

Case No. 3:17-cv-06850-RS

15 BRUCE MACDONALD, Individually and on  
16 Behalf of All Others Similarly Situated,

17 Plaintiff,

18 v.

19 DYNAMIC LEDGER SOLUTIONS, INC., a  
20 Delaware corporation, TEZOS  
21 STIFTUNG, a Swiss Foundation,  
22 KATHLEEN BREITMAN, an  
23 Individual, ARTHUR BREITMAN,  
an Individual, TIMOTHY COOK DRAPER, an  
24 individual, DRAPER ASSOCIATES, JOHANN  
GEVERS, DIEGO PONZ, GUIDO SCHMITZ-  
25 KRUMMACHER, BITCOIN SUISSE AG,  
NIKLAS NIKOLAJSSEN and DOES 1-100,  
INCLUSIVE,

26 Defendants.  
27  
28

Case No. 3:17-cv-07095-JSC

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 Pursuant to Local Rules 3-12 and 7-11, Plaintiff Bruce MacDonald, plaintiff in *MacDonald v.*  
 3 *Dynamic Ledger Solutions, Inc., et al.*, Case No. 3:17-cv-07095-JSC (the “MacDonald Action”)  
 4 files this Administrative Motion to Consider Whether Cases Should Be Related to consider whether  
 5 the MacDonald Action should be related to *GGCC, LLC v. Dynamic Ledger Solutions, Inc., et al.*,  
 6 Case No. 3:17-cv-06779-RS (the “GGCC Action”), the first-filed of the above-captioned related  
 7 actions (collectively, the “Related Actions”).<sup>1</sup>

8 Civil Local Rule 3-12 provides that “[a]n action is related to another when: (1) The actions  
 9 concern substantially the same parties, property, transaction or event; and (2) It appears likely that  
 10 there will be an unduly burdensome duplication of labor and expense or conflicting results if the  
 11 cases are conducted before different Judges.”

12 Here, there is meaningful overlap in the parties: Defendants Dynamic Ledger Solutions, Inc.,  
 13 Tezos Stiftung,<sup>2</sup> Kathleen Breitman, and Arthur Breitman are named in all four of the Related  
 14 Actions; Defendant Timothy Draper is named in the Okusko Action and the MacDonald Action; and  
 15 Defendant Johann Gevers is named in the Baker Action and the MacDonald Action.

16 All of the Related Actions concern the same transaction/event—the Tezos Initial Coin  
 17 Offering (“ICO”)—and are putative class actions brought by plaintiffs who purchased Tezos tokens  
 18 in the Tezos ICO and allege claims, on behalf of overlapping putative classes, based on Defendants’  
 19 sale and/or participation in the sale of securities through the Tezos ICO—albeit based on somewhat  
 20 different legal theories.

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 26 <sup>1</sup> The other Related Actions are *Okusko v. Dynamic Ledger Solutions, Inc., et al.*, Case No.  
 27 3:17-cv-06829-RS (the “Okusko Action”) and *Baker v. Dynamic Ledger Solutions, Inc., et al.*, Case  
 28 No. 3:17-cv-06850-RS (the “Baker Action”).

<sup>2</sup> The Okusko Action incorrectly names Tezos Stiftung as The Tezos Foundation.

1 Finally, based on developments reported yesterday, Plaintiff MacDonald intends to file  
 2 tomorrow an Ex Parte Application for Temporary Restraining Order and Order to Show Cause Why  
 3 A Preliminary Injunction Should Not Issue (the “MacDonald TRO”).

4 The MacDonald TRO will seek a temporary restraining order freezing all assets of all  
 5 Defendants named in the MacDonald Action collected via or derived from the Tezos Initial Coin  
 6 Offering (the “Tezos ICO” and the “ICO Proceeds,” respectively) and restraining and enjoining those  
 7 Defendants from selling, transferring, converting, or otherwise disposing of any of the ICO Proceeds.  
 8 It also seeks to stop Defendants from taking any action to authorize anyone else to sell, transfer,  
 9 convert, or otherwise dispose of any of the ICO Proceeds until Plaintiff has had sufficient time to  
 10 conduct appropriate discovery in preparation for a preliminary injunction hearing and this Court  
 11 issues a ruling on its Order to Show Cause Why a Preliminary Injunction Should Not Issue.  
 12

13 The issues presented in the MacDonald TRO overlap with those presented by a motion for a  
 14 preliminary injunction filed by the plaintiff in the Okusko Action (the “Okusko PI Motion”).<sup>3</sup> The  
 15 Okusko PI Motion is currently set to be heard on January 11, 2018—almost a month from now.  
 16 Waiting to stop the dissipation of funds, especially given the chaos in Defendants’ ranks, and the  
 17 accusations against each other, threatens irreparable injury.  
 18

19 For the foregoing reasons, Plaintiff MacDonald requests that the MacDonald Action be  
 20 considered related to the Related Actions.

21 DATED: December 13, 2017

**BLOCK & LEVITON LLP**

/s/ Joel Fleming

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25 <sup>3</sup> The Okusko PI Motion seeks to enjoin “Defendants Dynamic Ledger Solutions, Inc. (“DLS”),  
 26 The Tezos Foundation, Kathleen Breitman ... and Arthur Breitman ... from transferring or  
 27 dissipating assets raised in connection with the Tezos ICO, including, but not limited to, Bitcoin,  
 28 Ether, and any other assets that [those] Defendants have since purchased with funds raised in the  
 Tezos ICO”. *See* Okusko Action at ECF. No. 9.

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**CERTIFICATE OF SERVICE**

Pursuant to L.R. 5-5, I certify that on December 13, 2017, I caused to be served copies of the foregoing ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES ARE RELATED on the persons listed below at the addresses listed below.

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